

Frances served on the board of trustees for over 25 years and was president of Sisterhood. Frances was president of Hadassah for 6 years, and served on the board of Jewish Family Services. Professionally, she was the founder of the Tri-County Women's Bar Association. She was also president of the Pine Bush PTA.

Murray, Bilmes, a Navy veteran of World War II, also served on the board of trustees, but is especially known for over 30 years of service on the board of education, part of which time he served as chairman. Murray was a part of the three member committee which drafted the original constitution of the Middletown Hebrew Association, now known as Temple Sinai.

Frances and Murray are the parents of five children: David, Jonathan, Orah, Joshua, and Noah. Regrettably, the Bilmes are leaving us, for a well earned retirement in Florida. They will long be missed.

Mr. Chairman, I am pleased to salute these four outstanding people. They have been an inspiration to their community, and I am honored to join in paying tribute to them.

#### CELEBRATING THE LIFE OF MILTON F. FITCH

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 13, 1995*

Mrs. CLAYTON. Mr. Speaker, on Wednesday, November 8, 1995, at 1 p.m., the family and many friends of Milton F. Fitch celebrated his life. After 75 years on this Earth, God's finger gently touched him, and he now sleeps.

The business of the House of Representatives kept me from joining the Fitch family and Milton's friends on that day, but I shall forever be influenced by the power of his life and the rich legacy that he leaves.

Milton F. Fitch spent his lifetime on a journey for justice. Born on June 25, 1920, in New Haven, CT, he passed quietly at his home in Wilson, NC, on November 2, 1995. While his passing was quiet, his deeds will resonate and reverberate for years and years to come.

A veteran of World War II, he served, with honor and distinction, in the U.S. Army, earning several medals and three battle stars under the leadership of Gen. George Patton in the 3rd Army. It saddened him greatly that upon his return to the United States, nothing had changed. He and other African-Americans still labored under the burden of second-class citizenship.

When he felt the sting of discrimination from the U.S. Postal Service, he sued the Government and earned the position of the first African-American letter carrier in Wilson since reconstruction. After 24 years with the Postal Service, he joined the Southern Christian Leadership Conference under Dr. Martin Luther King, Jr., as the North Carolina State coordinator. As such, he worked in demonstrations throughout the South, including the North Carolina school boycott of 1968-69. Many of the demonstrations in which he was involved and lawsuits in which he participated resulted in advances and gains for African-Americans throughout North Carolina and the United States.

He devoted much of his energy to fighting for the franchise for African-Americans. His ef-

forts in a lawsuit against Wilson County over voting patterns, which went to the U.S. Supreme Court in the case of Haskins versus County of Wilson, resulted in success, and the proud election of his wife, Cora, as a county commissioner. His daughter, Christine, was later elected to the Wilson County Board of Education from the same district.

Of course, I shall be forever grateful for his service as my campaign manager in 1968, during which I launched my first, yet unsuccessful, effort to become a member of the Congress of the United States. That effort spawned other efforts, and those efforts, history now records, resulted in my election as the first African-American woman ever to represent North Carolina in Congress.

Milton's membership in the Masonic family was one of his most favored associations. After joining in 1951, he rose through the ranks and, on October 7, 1995, he was elected Most Worshipful Grand Master at the 125th Annual Grand Communication. This was the fulfillment of a 50-year dream.

Always at his side, Milton's wife of 47 years, the former Cora Jordan Whitted, had pre-deceased him. This husband, father, grandfather, community leader and activist, pathfinder and agent of change, always found time to give of himself to his family, to his State and to his Nation. He shall surely be missed. I feel certain, however, that he would want all of us to rejoice in his life and the time we had with him.

May God comfort and help his family and friends and help them to hold on to treasured yesterdays; and reach out with courage and hope to tomorrow, knowing that their beloved is with God. Death is not the end of life. It is the beginning of an eternal sleep. Rest, Brother Milton, you have labored long. God's finger has touched you, and you now sleep.

#### HONORING THE ARLINGTON-FAIRFAX ELKS LODGE NO. 2188 AND HERMAN C. ANDERSON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 13, 1995*

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the Arlington-Fairfax Elks Lodge No. 2188, as well as Herman C. Anderson.

The Arlington-Fairfax Elks Lodge is celebrating its 35th anniversary this week. Throughout the years, the Arlington-Fairfax Elks Lodge has flourished in its role to promote Americanism, a belief in God, and respect for the American flag. For 35 years, this lodge has served its community and Nation with reverence and devotion. Some examples of the many charitable works done by the lodge include helping our veterans in VA hospitals, fighting the war on drugs by helping to keep drugs out of the schools, and making it possible for thousands of children to attend the summer camp run by the Elks. As a direct result of the Arlington-Fairfax Elks Lodge's many contributions, northern Virginia is a better place to live.

Herman C. Anderson has served the Benevolent and Protective Order of Elks for over 50 years. As third exalted ruler, charter member, and past president of the Arlington-Fairfax Elks Lodge No. 2188, Mr. Anderson has been a model citizen and proven himself to be an

inspiration. "Andy" Anderson first joined Lodge No. 38, in Norfolk, VA, in 1944, where he served with distinction and honor in a variety of posts. In 1970, he became president of the Virginia Elks Association. In 1984, he became special deputy grand exalted ruler, a post he still holds today. In 1993, he became grand esteemed leading knight serving the remainder of Doral E. Irvin's appointed year. His commitment to community service and the promotion of American values is truly commendable.

Mr. Speaker, I know my colleagues join me in congratulating the Arlington-Fairfax Elks Lodge on its 35th anniversary and Herman C. Anderson for his 50 years of service to the Benevolent and Protective Order of Elks.

#### RECOGNIZING THE PULP AND PAPERWORKERS RESOURCE COUNCIL

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 13, 1995*

Mrs. SMITH of Washington. Mr. Speaker, I want to take this opportunity to recognize the efforts of the Pulp and Paperworkers Resource Council [PPRC] to educate my colleagues in Congress about the importance of their industry.

PPRC is a grassroots organization representing more than 300,000 of the Nation's pulp, paper, solid wood products, and other natural resource-based industries. The pulp and paper industry is an integral part of the economy of my district. Thousands of my constituents work in mills for companies like Longview Fibre, James River, Boise Cascade, and Weyerhaeuser. The workers in these mills are worried about their economic future. They have seen many of their friends lose their jobs in the wood products industry because of the shortage of timber. In fact, five pulp mills in the region have closed since 1989, displacing 1,367 workers.

I share PPRC's view that we must amend the Endangered Species Act to ensure people are included in the environmental equation. PPRC is also interested in balanced regulations dealing with the cluster rule and enhancing forest health through salvage operations. I look forward to working with PPRC and my colleagues in Congress and the administration to implement commonsense policies that preserve the environment, but that also take into account the economic stability of the work force and surrounding community.

#### TRIBUTE TO FATHER JOSEPH NIEZGODA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 13, 1995*

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today to congratulate Father Joseph Niezgoda, pastor of St. Stanislaus Church in East Chicago, IN. On Sunday, November 12, 1995, the parish of St. Stanislaus held a testimonial dinner to honor Father Joe for 25 years of faithful dedication to their mission.

On August 16, 1971, Father Joe graciously accepted the appointment of pastor of St. Stanislaus Church. This church is celebrating its 95th year of existence and proudly boasts a membership of several thousand parishioners.

According to the parishioners, Father Joe's agreement with God and the bishop to take the responsibility of leading St. Stanislaus was a courageous step because his home parish was \$700,000 in debt after rebuilding a school building, which was destroyed by fire. However, in Father Joe's 25 years of service to St. Stanislaus, he has worked exceptionally hard to pay off this enormous debt.

Mr. Speaker, I ask you and my other distinguished colleagues to applaud Father Joe for his extraordinary dedication to his calling. Indiana's First Congressional District is extremely blessed to have such a fine pastor in its presence.

### TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 9, 1995*

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the so-called Habeas Corpus Reform provisions of H.R. 2586, the Short-term Debt Limit Extension Act of 1995. Let me state from the beginning that I have consistently, throughout my career, believed in and fought for the protection of all Americans rights under habeas corpus. As Chief Justice Salmon P. Chase described it in *ex parte Yarger* U.S. (1868), habeas corpus is "The most important human right in the Constitution" and "The best and only sufficient defense of personal freedom."

Therefore, I cannot support this measure before us today because the very belief upon which our judicial system was created—the protection of an individual's fundamental constitutional rights balanced with society's right to be free from harm—is at risk if these oppressive provisions are included in this necessary debt limit extension. I cannot and will not support the anti-human rights and anti-Constitution provisions the Republican majority is attempting to attach to H.R. 2586.

It is my belief that our judicial system's major focus should be to protect its citizens' fundamental constitutional rights. As a Nation, we cannot afford to compromise the cherished habeas corpus protections guaranteed each of us in the U.S. Constitution. Rooted in the Magna Carta (1215), the writ of habeas corpus is as Justice Brennan pointed out in *Fay versus Noia* (1963),

Inextricably intertwined with the growth of fundamental rights of personal liberty \* \* \* its root principle is that in a civilized society, Government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release.

Mr. Speaker, the arbitrary 1-year limitation on the filing of general Federal habeas corpus appeals after all State remedies have been exhausted entirely fails to address the true

cause of any delay in the capital punishment system. The lack of competent counsel at the trial level and on direct appeal constitutes the primary basis for the delay of many appeals. Provision of competent counsel at the trial and appellate stages of capital litigation would eliminate the need for many of the habeas appeals currently in our court system. Despite the fact that this is the case, the habeas corpus provisions of this bill do not make any effort whatsoever to provide counsel for State post-conviction proceedings.

It is no secret that I am opposed to the death penalty. This legislation fails to include any provisions to end the repugnant practice of the disproportionate application of the death penalty on minorities. In fact, this bill specifically makes it easier to impose the death penalty by limiting citizens rights to challenge the legality of their convictions. While I agree that strong measures must be taken to curb the crime epidemic, I do not believe that any actions should be taken to the detriment of an individual's basic rights and constitutional liberties.

When closely examined, the sentencing history of the death penalty has generally been arbitrary, inconsistent and racially biased. It is my belief that the Federal death penalty is overly harsh, particularly because it fails to address the economic and social basis of crime in our most troubled communities. The fact is that there has always been a racial double-standard in the imposition of capital punishment in the United States. Even after the black codes of the 1860's were abolished, blacks were more severely punished than whites for the same offenses in our penal system. By the time the U.S. Supreme Court deemed the existing process for imposing the ultimate penalty unconstitutional in 1972, more than half of the persons condemned or executed were African-American—even though they were never more than 15 percent of the population. The advances in statistical analysis of the last 20 years have allowed numerous experts to test the raw data with disturbingly consistent results.

Mr. Speaker, in 1990, after 29 studies from various jurisdictions were reviewed, the General Accounting Office confirmed that there is a consistent pattern of disparity in the imposition of the death penalty in the United States and that race is often a crucial factor that determines the outcome. Since the resumption of executions in 1977, of the 236 persons who have been executed, 200 persons, or an alarming 85 percent, were executed for the murder of white victims. In fact, statistics show that blacks convicted of killing whites are 63 times more likely to be executed than whites who kill blacks.

In 1991, the United States Justice Department's Bureau of Justice Statistics reported that African-Americans accounted for 40 percent of prisoners serving death penalty sentences. These statistics reflect how the African-American community is disproportionately affected by the death penalty. Furthermore, in a Nation where the number one leading cause of death for young African-American males is homicide, further disproportionate application of the death penalty will not resolve the epidemic of violence of our Nation.

Mr. Speaker, it is my belief that we cannot afford to compromise our fundamental rights in exchange for excessive discriminatory tactics. We all have an obligation to uphold the Con-

stitution and protect the rights of all Americans to be free from unjustified imprisonment. I urge my colleagues to uphold our fundamental rights, protect the American people, and vote down this unconscionable invasion upon one of our most important guarantees.

### A BILL TO AMEND THE INDIAN SELF-DETERMINATION ACT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 13, 1995*

Mr. FALEOMAVAEGA. Mr. Speaker, today I am introducing a simple bill that would amend titles III and IV of the Indian Self-Determination and Education Assistance Act. Just last Congress and under the aegis of my colleague, BILL RICHARDSON, we amended this act in response to the 6-year refusal of the Departments of the Interior and Health and Human Services to promulgate rules to carry out this act. Through the Indian Self-Determination Act Amendments of 1994, we streamlined the contracting and compacting process, curbed the department's rulemaking authority, and required the departments to negotiate new regulations with the Indian tribes.

We also enacted a new title IV to the act, known as the Tribal Self-Governance Act of 1994, which made permanent a demonstration project, the Tribal Self-Governance Demonstration Project Act currently contained in title III of the act. Title IV as enacted, the permanent Self-Governance program applies to functions within the Department of the Interior. Title III, which still remains a demonstration project, now applies to functions within the Department of Health and Human Services.

The amendments to title I and title IV of the act proceeded on different tracks in the 103d Congress. It was not until late in the Congress that both were incorporated into a single bill.

Since the passage of the 1994 amendments, tribes and tribal organizations, the Indian Health Service, and the Department of the Interior have all worked on implementation of titles I, III, and IV of the act. Unfortunately, the departments' interpretation and implementation of the act has not been in accordance with congressional intent.

Specifically, the agencies have taken the position that the provisions of title I, governing Self-Determination Act or "638" contracts, that are advantageous to tribes may not be included in Self-Governance compacts and annual funding agreements negotiated under titles III and IV. In addition, the position of the two departments, HHS and Interior, has not always been consistent, so that in certain instances, one department has permitted inclusion of a Self-Governance clause reflective of a title I provision while the other has not.

The result has been an inconsistent treatment of Self-Governance issues by the two departments, and the denial to Self-Governance tribes of the substantial advantages afforded to the tribes under title I of the Indian Self-Determination Act. This is particularly puzzling, since it has always been the intent of Congress that the Self-Governance initiative should be at least as broad and favorable to the tribes as the original title I contracting mechanism.